

AMENDED IN ASSEMBLY MARCH 27, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 504

Introduced by Assembly Member Swanson

February 20, 2007

An act to add Section 1138.7 to the Labor Code, relating to labor strikes.

LEGISLATIVE COUNSEL'S DIGEST

AB 504, as amended, Swanson. Lockouts.

Under existing law, a violation of the laws related to using strikebreakers and lockouts may result in a fine or imprisonment, or both.

This bill would, in addition, require employers, *other than the state and its political subdivisions, that are* convicted of a crime involving fraud, misrepresentation, or misconduct related to a lockout, as defined, to make restitution to employees for lost wages and benefits. *The bill would impose a state-mandated local program by changing the penalties for a crime.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 1138.7 is added to the Labor Code, to read:

1138.7. (a) If an employer is convicted of a crime involving fraud, misrepresentation, or misconduct during a lockout, and the criminal conduct is related to and in furtherance of that lockout, the employer, in addition to any other penalty, shall be ordered to make restitution to any employee who was locked out of any lost wages and benefits, including interest thereon, that the employee would have received if there had been no lockout.

(b) For purposes of this section, “lockout” means either of the following:

(1) A period of time during which an employer prohibits an employee from performing his or her work because of a labor dispute with the employer regarding the employee’s wages, hours, or other terms or conditions of employment.

(2) A period of time during which an employee remains unemployed because his or her employer does not permit the employee to return to work.

(c) This section does not apply to the state or any political subdivision thereof, including any city, county, city and county, or special district.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.